

JAP:RTP

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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

- against -

MICHAEL JOHN MULLEN,

Defendant.

AFFIDAVIT AND
COMPLAINT IN
SUPPORT OF ARREST
WARRANT

(18 U.S.C. § 2252(a)(4)(B))

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EASTERN DISTRICT OF NEW YORK, SS:

CHRISTOPHER ROMMENEY, being duly sworn, deposes and says that he is a Special Agent with the Department of Homeland Security, Homeland Security Investigations ("HSI"), duly appointed according to law and acting as such.

On January 27, 2013, within the Eastern District of New York and elsewhere, the defendant MICHAEL JOHN MULLEN did knowingly and intentionally access with intent to view, one or more visual depictions, to wit: images in computer files, which visual depictions had been mailed, and shipped and transported using a means and facility of interstate and foreign commerce, and in and affecting interstate and foreign commerce, and which were produced using materials which had been mailed, and so shipped and transported, by any means including by computer, the production of such visual depictions having involved the use of one or more minors engaging in sexually explicit conduct, and such visual depictions were of such conduct.

(Title 18, United States Code, Sections 2252(a)(4)(B))

The source of your deponent's information and the grounds for his belief are as follows:¹

1. I have been employed as a Special Agent with the Department of Homeland Security since 2003, and am currently assigned to the Child Exploitation Group ("CEG"). I have been assigned to investigate violations of criminal law relating to the sexual exploitation of children. I have gained expertise in this area through training in seminars, classes, and daily work related to conducting these types of investigations. As part of my responsibilities, I have been involved in the investigation of numerous child pornography cases and have reviewed thousands of photographs depicting children (less than eighteen years of age) being sexually exploited by adults. Through my experience in these investigations, I have become familiar with methods of determining whether a child is a minor.

2. I am familiar with the information contained in this affidavit based on my own personal participation in the investigation, my review of documents, my training and experience, and discussions I have had with other law enforcement personnel concerning the creation, distribution, and proliferation of child pornography. Additionally, statements attributable to individuals herein are set forth in sum and substance.

THE HSI INVESTIGATION

3. On or about January 27, 2013, a user with username "CHRISWNYC" posted images of child pornography on an image hosting website hosted outside of the United

¹Because the purpose of this Complaint is to set forth only those facts necessary to establish probable cause to arrest, I have not described all the relevant facts and circumstances of which I am aware.

States known to your affiant and the U.S. Attorney.² The images were contained in a password
protected album titled "6 yo niece," which contained 12 images and was last modified on February
8, 2013. Eight of the images depict a clothed girl approximately six years of age. The pictures
appear to have been taken in a bedroom with distinctive patterned curtains and a linoleum floor.
There are baby toys in the room.

4. Four of the images depict what appears to be the same girl sleeping in a bed.
The photographs depict the girl from just above her waist down. From the waist up, the girl
appears to be covered by a pink and green blanket with polka dots. One image focuses on the girl's
underwear. In three of the photographs, her underwear is being pulled aside to show her genitalia.
An adult hand is visible in these three photographs.

5. I am informed by the image hosting website that in order to obtain an
account on the website, a user is required to register and provide an email address. User
"CHRISWNYC" provided the email address chriswnyc@hotmail.com. My investigation has
revealed that the email address chriswnyc@hotmail.com is also associated with a Facebook profile
with username "Chris Williams." The Facebook page contains photographs of an adult male
approximately 30 years old, as well as an image of cigarettes and marijuana, and pictures of shelves
of alcohol bottles.

6. Records from the image hosting website show that user "CHRISWNYC"
accessed his account on January 27, 2013 and February 8, 2013 from the IP address 108.21.74.191.

² The image sharing website includes a function that allows its members to upload a gallery
of photos, password protect that gallery, and then solicit either passwords or photos from other
users in exchange for their password to the gallery. The website also allows users to communicate
with one another in a style similar to an online forum. Each user account on the website is
identified by a user name.

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Account information obtained via administrative subpoena from Internet Service Provider Verizon for IP address 108.21.74.191 reveals that during the pertinent time frame, the IP address was assigned to the account of a female whose name is known to me and to the United States Attorney's Office and who resides in Bayside, New York (the "Bayside Address").

7. According to New York Department of Motor Vehicles ("DMV") records, Michael John Mullen, a 30-year old male (DOB: 3/10/82), also lives at the Bayside Address. I have reviewed DMV records and determined that the driver's license photographs on file with the DMV are of the same individual shown in the photographs on the Facebook page linked to the email address chriswnyc@hotmail.com.


8. On March 1, 2013, agents from HSI executed a search warrant on the Bayside Address. MICHAEL JOHN MULLEN was inside of the home during the execution of the search warrant and identified himself as such. I compared his likeness to the photographs on file with the DMV and the photographs on the Facebook page linked to the email address chriswnyc@hotmail.com and determined that they were the same person. An iPhone was recovered from his person. Forensic examiners from HSI analyzed said iPhone and determined that its contents had been recently deleted.

9. On or about April 29, 2013, agents from HSI executed a search warrant on Microsoft Hotmail email account chriswnyc@hotmail.com. On or about January 25, 2013, an email was sent from chriswnyc@hotmail.com stating, in substance, "just so you know my real name is mike, I made this email and a Facebook to go with it just to be discreet, but all my real pics on FB, you can add it to see." On or about January 27, 2013, an email was sent from chriswnyc@hotmail.com stating, in substance, "I have pics of my niece's tiny little pussy." On or

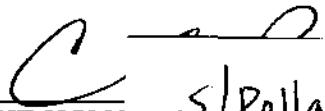
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about February 14, 2013, an email was sent from chriswnyc@hotmail.com stating, in substance, "ive only fingered my niece and ate her pussy."

10. WHEREFORE, your deponent respectfully requests that the defendant MICHAEL JOHN MULLEN be dealt with according to law.


CHRISTOPHER ROMMENEY
Special Agent
United States Department of Homeland Security,
Homeland Security Investigations

Sworn to before me this
1st day of May, 2013


THE HONORABLE S/POLLAK
UNITED STATES JUDGE
EASTERN DISTRICT OF NEW YORK